

REMARKS

Claims 1 and 3 are currently pending in the instant application. Claims 1 and 3 are independent. Claims 1 and 3 are presented to the Examiner for further prosecution on the merits.

The consideration of the previously filed terminal disclaimers and the issuance of a new Office action are appreciated.

A. Introduction

In the outstanding Office Action, the Examiner rejected claims 1 and 3 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,216,321 to Kawamura et al. ("the Kawamura et al. reference"). The Examiner also rejected claims 1 and 3 under 35 U.S.C. § 102(b) as being anticipated by Japanese Application Publication No. 6,036,710 to Makoto ("the Makoto reference"). The Examiner also provisionally rejected claims 1 and 3 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5-9, 13-16, 19 and 25-28 of copending U.S. Patent Application Serial No. 09/982,984. The Examiner also rejected claims 1 and 3 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-6, 10, 12-15, 19 and 21-24 of U.S. Patent No. 6,680,565.

B. Synopsis of Claimed Invention

Both claims 1 and 3 recite that "the panel is formed of a transparent glass having a transmission ratio of 60% or more." As noted, for example, on page 8, lines 14-22 of the original specification, since the panel is thicker in the peripheral areas than in the central areas, luminance in the peripheral areas is reduced relative to the central areas. In order to solve this problem, an embodiment of the present invention forms the panel of a glass having a transmission *ratio*, i.e., a ratio of transmission in the peripheral areas to that of the central areas, of 60% or higher. Since there is a limit on how transmissive glass of a certain thickness can be, this may involve sacrificing some brightness in the central areas to gain uniformity.

C. Asserted Rejection Under 35 U.S.C. § 102 (b) Over the Kawamura et al. Reference

The rejection of claims 1 and 3 as being anticipated by the Kawamura et al. reference is respectfully traversed for at least the reasons set forth below.

In addressing the limitation regarding the transmission ratio in the outstanding Office action, the Examiner asserted:

The new limitation "the panel is formed of a transparent glass having a transmission ratio of 60% or more," is narrative in form

and does not include any positive structure and therefore carry a patentable weight.

Alternatively, since Kawamura et al.'s glass panel is also formed of glass as claimed by applicant, Kawamura et al.'s glass panel would also inherently transmit at a ratio of 60% or more.

Office action of April 29, 2004, at p. 4.

As clarified by the Synopsis above, the claimed transmission ratio is not the same as the inherent transmission rate of the glass, but is controlled across the panel to make the brightness of the image more uniform.

In contrast, the Kawamura et al. reference discloses making the pitch of the electron beam points across the panel uniform in order to improve resolution in the peripheral portion of the panel. To achieve this uniformity, the Kawamura et al. reference teaches providing a faceplate that is thicker in the peripheral portion than in the central portion thereof. However, there is no disclosure or suggestion in the Kawamura et al. reference that this thickness presents any problems or to providing a transmission ratio of 60% or more. It is respectfully submitted that such a transmission ratio is not inherent in the use of glass for the panel. It is also respectfully submitted that since the transmission ratio described the characteristics of the panel relative to itself, it is not merely narrative as alleged by the Examiner, and is, instead, directed to a particular panel, as claimed.

Therefore, it is respectfully submitted that the Kawamura et al. reference fails to disclose or suggest the present invention as recited in claims 1 and 3, and it is respectfully requested that this rejection be withdrawn.

D. Asserted Rejection Under 35 U.S.C. § 102(b) Over the Makoto Reference

The rejection of claims 1 and 3 as being anticipated by the Makoto reference is respectfully traversed for at least the reasons set forth below. The Examiner applied the same reasoning in addressing the transmission ratio limitation as discussed above in connection with the rejection over the Kawamura et al. reference.

As clarified by the Synopsis above, the claimed transmission ratio is not the same as the inherent transmission rate of the glass, but is controlled across the panel to make the brightness of the image more uniform.

In contrast, the Makoto reference discloses improving flatness and reducing glare by forming the front face of a display into a concave structure. While the resulting faceplate appears to be thicker in the peripheral portion than in the central portion thereof, there is apparently no disclosure or suggestion in the Makoto reference that this thickness presents

any problems or to providing a transmission ratio of 60% or more. It is respectfully submitted that such a transmission ratio is not inherent in the use of glass for the panel. It is also respectfully submitted that since the transmission ratio described the characteristics of the panel relative to itself, it is not merely narrative as alleged by the Examiner, and is, instead, directed to a particular panel, as claimed.

Therefore, it is respectfully submitted that the Makoto reference fails to disclose or suggest the present invention as recited in claims 1 and 3, and it is respectfully requested that this rejection be withdrawn.

E. Asserted Provisional Rejection Under the Doctrine of Obviousness-Type Double Patenting Over Co-pending U.S. Patent Application Serial No. 09/982,984

In the outstanding Office action, the Examiner rejected claims 1 and 3 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5-9, 13-16, 19 and 25-28 of copending U.S. Patent Application Serial No. 09/982,984. It is noted that the issue fee has apparently been paid in this application. Thus, a terminal disclaimer to obviate this provisional double patenting rejection has been filed concurrently herewith. Therefore, it is respectfully submitted that this rejection be withdrawn.

F. Asserted Rejection Under the Doctrine of Obviousness-Type Double Patenting over U.S. Patent No. 6,680,585

In the outstanding Office action, the Examiner rejected claims 1 and 3 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-6, 10, 12-15, 19 and 21-24 of U.S. Patent No. 6,680,565. A Terminal Disclaimer has been filed to obviate this double patenting rejection. Therefore, it is respectfully submitted that this rejection be withdrawn.

G. Conclusion

Since the cited prior art references relied upon by the Examiner in rejecting the claims neither anticipate nor render obvious the subject invention as presently claimed, applicants respectfully submit that claims 1 and 3 are now in condition for allowance, and a notice to that effect is respectfully requested.

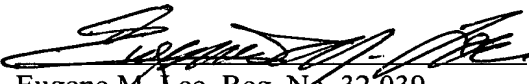
If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon claims 1 and 3 is hereby requested.

Respectfully submitted,

LEE & STERBA, P.C.

Date: June 29, 2004


Eugene M. Lee, Reg. No. 32,039

LEE & STERBA, P.C.
1101 WILSON BOULEVARD, SUITE 2000
ARLINGTON, VA 22209
703.525.0978 TEL
703.525.4265 FAX

PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.